

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MICHAEL FLORES,

Plaintiff,

v.

MARTIN O'MALLEY,¹ *Commissioner*
of the Social Security Administration,

Defendant.

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1:23-CV-1341-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Plaintiff Michael Flores's ("Flores") Unopposed Motion for Attorney's Fees Under the Equal Access to Justice Act, filed July 29, 2024. (Dkt. 21). (R. & R., Dkt. 23). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Hightower issued her report and recommendation on September 9, 2024. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

¹ Martin O'Malley became the Commissioner of the Social Security Administration on December 20, 2023. Pursuant to Federal Rule of Civil Procedure 25(d), he is substituted for Kikolo Kijakazi as the defendant.

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 23), is **ADOPTED**.

IT IS FURTHER ORDERED that the Unopposed Motion for Attorney's Fees, (Dkt. 21), is **GRANTED**.

IT IS FURTHER ORDERED that Flores is **AWARDED** \$6,547.10 in attorney's fees. The Commissioner is **ORDERED** to remit to Flores's counsel a check made payable to "Michael Flores" for attorney's fees in the amount of \$6,547.10, pursuant to 28 U.S.C. § 2412(d)(1)(A). The check may be mailed to Flores's counsel, Jonathan A. Heeps, at The Law Office of Jonathan Heeps, P.O. Box 173472, Arlington, Texas 76003.

SIGNED on October 2, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE